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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,059	09/22/2003	Xiaocheng Ran	USP2148A-XR	7843

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EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/667,059	Applicant(s) RAN, XIAOCHENG	
	Examiner Katherine M Moran	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/05 has been entered. Please note that the amendment B of 12/13/04, canceling claims 1-20, has been entered. Claims 21-24 are pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 12: insert -- such-- before "that". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Leach (U.S. 6,604,244). Leach '244 discloses the invention as claimed. Leach teaches a glove 10 for treating a work surface comprising a glove body having a palm portion 14

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and finger portions 15 extended therefrom, and a surface treatment arrangement comprising a treatment pad 19 provided at a palm portion which includes an upper side of the palm portion of the glove body, with the pad adapted to provide a first treating action. The arrangement further includes a treatment member 21 adapted to perform a second treating action, comprising a hook or loop fastener 29 detachably fastened with the treatment pad 19 so as to retain the treatment member at the palm portion of the glove body. The treatment pad comprises hook or loop fastener (col.2, lines 23-25) having an inherent and predetermined coarseness which would lend itself to a scouring action. The treatment member comprises steel wool, sandpaper, or sponge material. Accordingly, the coarseness of the treatment member will differ from that of the treatment pad. For example, if the treatment pad was hook or loop and the treatment member was sandpaper, the treatment member would provide a more coarse sanding action. The treatment pad is attached at both upper and lower sides of the palm portion such that the treatment member is detachably mounted at the lower and upper sides of the palm portion and could be positioned in various configurations depending upon the user's desires. The treatment member is cut into a predetermined size and shape to detachably fasten with the treatment pad so as to fit on the palm portion of the glove body. The treatment member is shaped and sized such that it could be gripped by the finger portions to retain the treatment member at the palm portion so as to perform a second treating action. The user has the option of gripping the treatment member within the user's palm, or said user is free to use the fingers while the treatment member is held at the palm via the treatment pad.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leach '244 in view of Borucki-Mastej (Borucki, U.S. 6,000,060). Leach discloses the invention substantially as claimed, including a ball shaped treatment member 21. The treatment member has a circular perimeter similar to that of a ball. However, Leach does not teach a treatment member made of hook fastener having predetermined coarseness adapted to perform a rubbing action as said second treating action such that the fastener is integrally formed as the treatment member to detachably fasten with the treatment pad. Leach teaches that steel wool may be used as working surface of the treatment member. Steel wool is of a similar structure as that of hook fastener. Borucki '060 teaches a glove 10 with a body portion integrally formed of a hook or loop fastener material 20 and detachably mounted to a mateable attachment 22, with the body portion adapted to perform a rubbing action. Borucki's glove shows that hook and loop material is viewed as a sufficiently abrasive material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form Leach's treatment member of a hook material to eliminate the need for additional manufacturing steps involved in providing the treatment member with an additional attachment or layer.

Response to Arguments

7. Applicant's arguments filed 12/13/04 with regard to the rejections of claims 1-10 and 14-20 are moot in that these claims have been cancelled. However, since most of the subject matter of these claims has been incorporated into new claims 20-24 rejected under primary reference Leach '244, the arguments are addressed as follows: Applicant argues that Leach '244 does not anticipate a treatment pad provided at the upper side of the palm portion of the glove only. In response to applicant's argument that the Leach fails to show a treatment pad provided at the upper side of the palm portion only, it is noted that this feature is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). With regard to Applicant's argument that Leach fails to teach a treatment member shaped and sized such that the member is gripped by the finger portions of the glove body to retain the member at the palm portion, the Examiner's position is that Leach's treatment member is of a size and shape that would allow for gripping by the finger portions of the glove as desired by the user. Due to the fact that the wearer's finger lengths may vary, a wearer with longer fingers would certainly be able to securely grip the treatment member if desired. Finally, Applicant argues that when Leach's glove is worn, the fingers of the user are not free to move when the pads 21 are attached to the glove member. It is not clear how the fingers are inhibited in movement as asserted by the Applicant, however, the intended use of the glove does not carry patentable significance. In response to applicant's argument that there is no suggestion to modify

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Leach with Borucki-Mastej, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references teach a glove with a complementary loop fastener arrangement. Hook and/or loop both employ inherently abrasive surfaces and their use as treatment members would result in fewer manufacturing steps in forming the treatment arrangement.

Conclusion

8. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

April 11, 2005

A handwritten signature in black ink, appearing to read "K Moran", with a stylized, cursive script.

Katherine Moran

Primary Examiner, AU 3765